

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984
as amended by the Cable Television Consumer Protection and Competition Act of
1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record our ex parte meetings with FCC Commissioners MacDowell, Tate, Martin, Adelstein, and Copps staff via fax on December 13, 2006. My comments are summarized as follows:

I unite with Alliance for Community Media members in calling for competition without destruction of local, community controlled media.

1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement in 90 days, the new provider can proceed without agreement. They can then make billions of dollars using our public land without considering local needs. This framework would be unreasonable.

2) The proposed rule lacks a remedy for geographic discrimination. Rural areas in the country are already underserved. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Democratic participation should be for all, not based on corporate expediency. The public-right-of-way is owned by everyone in our communities, not just those in an area lucky enough to be served. I believe that inevitable market imbalances must be anticipated by the FCC, and they were by Congress, and that any rule-making must provide these three elements

- A) A standard for identifying imbalances in service.
- B) A party responsible for identifying the imbalance; logically the municipality.
- C) A means for prevention or remedy of the imbalance.

3) The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. I believe this is an arbitrary reduction which will hurt our communities. It is in direct contradiction to language written by the telephone companies and already passed in key states, including California and Texas. This reduction would

eliminate a valued community resource with no demonstrated effect on either price or competition.

4) The changes being proposed are dramatic. I believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by confusing the legal framework. Changes to the law should be decided by lawmakers, not the courts. The FCC should not usurp Congressional authority.

I look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact me if you have questions or comments.

Sincerely,

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